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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,076	02/27/2004	Kenichi Takano	HT03-029	7274

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POUGHKEEPSIE, NY 12603

EXAMINER

WATKO, JULIE ANNE

ART UNIT	PAPER NUMBER
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2627

DATE MAILED: 10/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/789,076

Applicant(s)

TAKANO, KENICHI

Examiner

Julie Anne Watko

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) 34 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-17 is/are allowed.
- 6) ☒ Claim(s) 18-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 04/15/2004.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election with traverse of group I, claims 1-33, in the reply filed on August 7, 2006, is acknowledged. The traversal is on the ground(s) that the process claims necessarily use the product and vice versa. This is not found persuasive because the product as claimed could be manufactured by a materially different process as stated in the restriction requirement. Applicant has failed to provide evidence that the materially different process proposed by the Examiner is not workable. Furthermore, Applicant's argument regarding "the additional cost of second and third patent applications" is not persuasive, considering that no originally presented group would necessitate a "third" application. °

The requirement is still deemed proper and is therefore made FINAL.

### *Drawings*

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "12" has been used to designate two different parts. See especially Fig. 5a.

Furthermore, separate figures are not separately labeled. See especially Fig. 4.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will

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be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 18-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 18 recites the limitation “an inner surface that is coplanar with that of said second lower part” in line 10. There is insufficient antecedent basis for this limitation in the claims.

Claim 18 recites the limitation “said fourth lower part” in the last line. There is insufficient antecedent basis for this limitation in the claims. °

Claim 26 recites the limitation “an inner surface that is coplanar with that of said second lower part” in line 10. There is insufficient antecedent basis for this limitation in the claims.

Claim 26 recites the limitation “said fourth lower part” in the last line. There is insufficient antecedent basis for this limitation in the claims.

Other claims are indefinite by virtue of dependency from an indefinite claim.

***Allowable Subject Matter***

5. Claims 2-17 are allowed.

6. Claims 18-33 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

7. The following is a statement of reasons for the indication of allowable subject matter:

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Regarding independent claims 2 and 10: The prior art of record neither shows nor suggests a second lower part having a second height, a second width that is less than a first width of a first lower part, an outer surface that is coplanar with an ABS, and an opposing inner surface; on said second lower part, in combination with a third lower part having a third height and a third width that is less than said second width and further in combination with a fourth lower part having an inner surface that is coplanar with that of said second lower part, and an outer surface that is coplanar with the ABS whereby a recess is present in the ABS, and further in combination with all other limitations. Although second lower part 62 of Stoev et al (US Pat. No. 6724572 B1) has a second width that is less than a first width of a first part, the outer surface of 62 is not coplanar with medium facing surface 33 of Stoev et al.

Regarding independent claim 18: The prior art of record neither shows nor suggests a second lower part having a second height, a second width that is less than said first width, and outer surface that is inwardly displaced from the ABS by an amount; on said second lower part, a third lower part having a third height, a third width, an inner surface that is coplanar with that of said second lower part, and an outer surface that is coplanar with the ABS, whereby a recess is present in the ABS, in combination with all other claimed features. Although third lower part 62 of Stoev et al (US Pat. No. 6724572 B1) has an outer surface that is coplanar with the ABS, said third lower surface does not have an inner surface that is coplanar with that of a second lower part.

Regarding independent claim 26: The prior art of record neither shows nor suggests first lower part having an outer surface that is inwardly displaced from the ABS by an amount; in combination with, on said first lower part, a second lower part having an outer edge that is

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coplanar with that of said first lower part; further in combination with on said second lower part, a third lower part having an inner surface that is coplanar with that of said second lower part, and an outer surface that is coplanar with the ABS, and further in combination with all other claimed limitations. Although Sasaki et al (US PAP No. 20030151852 A1) show first and second parts inwardly displaced from the ABS, the outer edges of the first and second parts are not coplanar.

### *Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Dovek et al (US PAP No. 20050099727 A1) show a write-head wherein part of the lower pole is recessed back away from the ABS, thereby greatly reducing its magnetic influence on adjacent tracks (see especially Figs. 4-6).

Okai et al (US PAP No. 20040100730 A1) show a thin film magnetic head comprising lower 1<sup>st</sup> magnetic layer 121, lower 2<sup>nd</sup> magnetic layer 122, upper 1<sup>st</sup> magnetic layer 171, insulating protective film 19, upper 2<sup>nd</sup> magnetic layer 172 and upper 3<sup>rd</sup> magnetic layer 173.

Lee et al (US Pat. No. 6909579 B2) shows a magnetic head comprising pole pieces 812, 814 and 826.

Chen et al (US PAP No. 20030193739 A1) show a stitched write head comprising embedded step 20 and write gap layer 22, lower pole piece (including 10, 12 and 14), rear part 28 and upper pole piece (26 and 36).

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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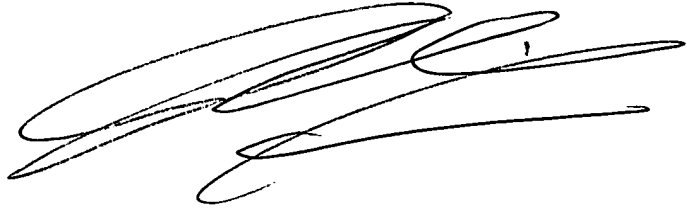
applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Anne Watko whose telephone number is (571) 272-7597. The examiner can normally be reached on Monday through Friday, 1PM to 10PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne D. Bost can be reached on (571) 272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Julie Anne Watko, J.D.  
Primary Examiner  
Art Unit 2627

October 2, 2006  
JAW

A handwritten signature in black ink, appearing to read 'Julie Anne Watko', with a stylized flourish at the end.